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6 *Attorney for Defendant, Robert Earl Bailey, II*

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8 **UNITED STATES DISTRICT COURT**  
9  
10 **DISTRICT OF NEVADA**

11 UNITED STATES OF AMERICA, CASE NO.: 2:21-cr-00243-APG-NJK  
12 Plaintiff,  
13 vs.  
14 ROBERT EARL BAILEY II,  
15 Defendant.

**STIPULATION AND ORDER TO CONTINUE SENTENCING (SECOND REQUEST)**

16 **IT IS HEREBY STIPULATED** by and between Defendant, Robert Bailey, II, by and  
17 through his counsel, Michael V. Cristalli, Esq., of the law firm of Clark Hill PLLC and the Plaintiff,  
18 United States of America, by and through Christopher Burton, Assistant United States Attorney,  
19 that the sentencing hearing currently scheduled for June 22, 2022, at 9:30 a.m. be vacated and set  
to a date in the first week of July, 2022.

20 This Stipulation is entered into for the following reasons:

21 1. Counsel for Mr. Bailey has a prior engagement that will place counsel out of the jurisdiction  
22 at the time of sentencing. Counsel attempted to reschedule the business engagement but was  
23 unsuccessful.

24 2. Mr. Bailey has appeared in this case, and is not in custody and, along with the government,  
25 agrees to this continuance.

26 3. The additional time requested herein is not sought for purposes of delay and the denial of  
27 this request for a continuance could result in a miscarriage of justice.

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1       4. Federal Rule of Criminal Procedure 32(b)(2) permits this Court to continue a sentencing  
2 hearing for good cause. Good cause exists in this case.

3       5. For all the above-stated reasons, the ends of justice would be best served by the continuance  
4 of the sentencing hearing.

5       6. This is the second request for a continuance of the sentencing hearing.

6       UNITED STATES ATTORNEY  
7       DISTRICT OF NEVADA

CLARK HILL PLLC

8       DATED this 25<sup>th</sup> day of May, 2022.

9       DATED this 25<sup>th</sup> day of May, 2022.

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11      /s/ Christopher Burton  
12      Christopher Burton  
13      Assistant United States Attorney  
14      Attorney for Plaintiff,  
15      UNITED STATES OF AMERICA

16      \_\_\_\_\_  
17      /s/ Michael V. Cristalli  
18      MICHAEL V. CRISTALLI  
19      Attorney for Defendant,  
20      Robert Bailey, II

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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

CASE NO. 2:18-cr-00129-JCM-DJA

Plaintiff,

VS.

ROBERT BAILEY, II,

Defendant.

## **FINDINGS OF FACT, CONCLUSION OF LAW AND ORDER**

10           Based on the pending Stipulation of counsel, and good cause appearing therefore, the  
11          Court hereby finds that:

## **CONCLUSIONS OF LAW**

13       Based on the fact that counsel has agreed to a continuance, the Court hereby concludes  
14       that:

15       1. Counsel for Mr. Bailey had a prior engagement that will place counsel out of the  
16 jurisdiction at the time of sentencing. Counsel attempted to reschedule the business engagement  
17 but was unsuccessful.

18       2. Mr. Bailey has appeared in this case, and is not in custody and, along with the government,  
19 agrees to this continuance.

20       3. The additional time requested herein is not sought for purposes of delay and the denial of  
21       this request for a continuance could result in a miscarriage of justice.

22       4. Federal Rule of Criminal Procedure 32(b)(2) permits this Court to continue a sentencing  
23 hearing for good cause. Good cause exists in this case.

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5. For all the above-stated reasons, the ends of justice would be best served by the continuance of the sentencing hearing.

3 6. This is the first request for a continuance of the sentencing hearing.

## **ORDER**

**IT IS HEREBY ORDERED** that the sentencing hearing in this matter scheduled for June 22, 2022, at the hour of 9:30 a.m. is hereby vacated and continued to the 7th day of July, 2022, at the hour of 9:30 a.m. in Courtroom 103.

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**DATED** this 27th day of May , 2022.

UNITED STATES DISTRICT COURT JUDGE  
CASE NO.: 2:21-cr-00243-APG-NJK-1